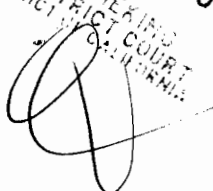


1 DERRICK Lee Sledge, P-43766
2 CTF/CW-134L
3 P.O. Box 689
4 Soledad Calif. 93960

FILED
08 JUL 11 PM 4:38
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA


5
6 IN PRO SE

7
8
9 IN THE UNITED STATES DISTRICT COURT
10
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12
13 SAN FRANCISCO DIVISION

14
15 DERRICK LEE SLEDGE
16 Plaintiff

C07-4622 CRB (PR)

17 V.

18
19 DAVID BALKIND, et al.,
20 Defendant(s).

SECOND REQUEST
WITH MOTIONS FOR
APPOINTMENT OF COUNSEL

21
22 PURSUANT to 28 U.S.C. Sect. 1915(e)(1) plaintiff
23 moves respectfully once more for this Court
24 understanding for an order appointing counsel to
25 represent him in this case. In support of this
26 motion, plaintiff states:

27
28 1. Again, Plaintiff's imprisonment is greatly

1 limiting his ability to litigate. So Respectfully
 2 Plaintiff pleas with this Court too Grant him
 3 Counsel under its extraordinary / exceptional
 4 Circumstances.

5 Plaintiff is presently living under re-
 6 taliation And unhumane living condition that
 7 has emotionally And mentally impaired him
 8 beyond this imagination.

9 Daily plaintiff is being exposed to CDCR/
 10 CTF malice And Sadistic Sovereignty As it
 11 manipulate society As being for penological
 12 interest (See Attachment - Exhibit 312).

13 Since this 6/18/2008 Lock-down program
 14 for its own Officers negligences; causing
 15 inmates to be subject to mandatory cell
 16 searches that's been the production of the
 17 most sadism justification imaginable.

18 Firstly, it should be noted that plaintiff
 19 is under psychiatry treatment And medication
 20 (ccoms); so being deprived from out-door
 21 exercise (Sun) ect... Medication being enhanced
 22 And getting older is effecting plaintiff abilities
 23 to function Appropriately - Moreso how up and
 24 down weight gain has forced him to now take
 25 High Blood Pressure medication with moments
 26 Away from becoming a diabetic.

27 Then if Plaintiff become "lucky" to
 28 Attend the Law Library (for 1-2 hours) it's

1 Still impossible to obtain Assistance (no
2 professional legal staff available) or do fair
3 Research being how "every" inmate also suffer
4 from same post traumatic stress syndrome
5 which is becoming hard for him to keep
6 such pain hidden or to operate functionally

7 For instances: Plaintiff was order to
8 take a shower with a group of another race
9 which was an abnormal practice, and when
10 plaintiff pleaded peacefully with the officer just
11 to stay in eye sight present, plaintiff was
12 denied a shower until the next shower time
13 (6-days without showering).

14 For having safety concern - more so living now
15 with great paranoid since witnessing how
16 CMC-E officers permitted innocence inmates to get
17 beat-up and then alleged it to been a participated
18 racial riot.

19 This being the same officer, I previously
20 stated concerns for his laziness by not wanting
21 to come to my cell to pick-up out-going legal
22 mail, after 8:00 p.m close-B count.

23 Then if the officers serve the food and
24 do the clean-up they become so mad and
25 dishonourary for such duties that the portion
26 of the food be so small you can't even make a
27 complete sandwich, Because theirs no one to
28 actually supervise them.

1 And then when those Special interest
2 inmate(s) do the food serving ect... it become
3 even worst because its no canteens or packages
4 programs so state meals become canteen so portions
5 items often come up short and missing which
6 frustration will impair A person logical thinking for
7 life !!

8 It's so hard to understand how legislature
9 permit CDCR/CTF ect... over and over to mono-
10 polize indigences inmates and their families;
11 CDCR/CTF allows its inmates to order items from
12 their's - own approved special vendors, once
13 enough inmate buy an abundance of a items, then
14 CTF ect... say we can't have it no more to con-
15 fiscate or donate it because you can't pay for the
16 mailing cost; so in reality CDCR/CTF could profit
17 under 4-different avenues.

18 PLAINTIFFS' live many hours in his cell (22-24
19 hours) where there is no desk to write on, no
20 ventilation system, now CTF staff has took away
21 that 1-Cubic feet legal box, that permitted me to
22 had write suitable and not suffer from lower back
23 pain AS NOW !!

24 Also, please take into consideration that plaintiff
25 is also litigating his Three Strike Conviction; Aswell
26 for each of them Alleged Prior Cases used, seper-
27 ately; plus a major I. R. S issue.

28 And then doing All I can too maintain the

1 true Rehabilitation of my own effort, being
 2 how this Agency that's getting paid to do it, IS
 3 NOT !! in fact doing the opposit; As I daily
 4 witness how many of the younger officers becoming
 5 trained with more sadism characterization then
 6 the veterans toward inmates hardship living !!

7 With All of the Above, with time could put
 8 A unbearable burden; eventually too seriously
 9 effect Plaintiffs ability to even think appropriately
 10 let alone Advocate for his actual innocence from
 11 the many trickery forms of due process violations
 12 occurred in this case; And then to overcome
 13 the Arsenal of professional Attorneys, that's
 14 legally stating, "such violation is acceptable
 15 toward CDCR prisoners". "Moreso because such
 16 due process violation were established Law, Rules
 17 And Regulation of CDCR Penological Interest before
 18 Prisoners (housed in CDCR) liberty interest ect...

19 Lastly, please notice plaintiffs' didn't attempt
 20 to make this an Ex parte Motion; being how these
 21 Mandatory Cell Searches (Absence the inmate) to
 22 convincingly permit the Officers to Read thoroughly
 23 through his and other inmates legal mail which is
 24 why he believes why such items confiscation was
 25 An act of pure Retaliation. Which boldness is openly
 26 express at time in great hopes if CDCR would stop
 27 prolongating and reliver him of this torment conduct !!

1 2. Respectfully Again, A trial in this case
2 will likely involve conflicting testimony; for
3 instance the Attorneys for defendants R. Schwora
4 M. Vela And M. Arfa isn't representing David
5 Balkind et, al And alleging they haven't been served
6 And the Office of the Attorney General isn't
7 appearing on their behalf. That constitute a
8 default without responding to this Court order
9 over 90 day late. Which moreso now Counsel
10 would better enable plaintiff to present evidence
11 And cross examine witnesses.

12
13 WHEREFORE, plaintiffs request that the
14 Court Appoint Counsel in this case.

15
16 Date: July 9, 2008

17 Respectfully Submitting

18
19 Derrick L Sledge

20 DERRICK L Sledge
21 IN PRO SE.
22
23
24
25
26
27
28

STATE OF CALIFORNIA
CDCR 3022-B (REV. 07/07)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

PROGRAM STATUS REPORT

PART B – PLAN OF OPERATION / STAFF & INMATE NOTIFICATION

Describe only this reporting periods specific Plan of Operation

INSTITUTION Correctional Training Facility Soledad	EFFECTIVE DATE OF PLAN JUNE 19, 2008	PROGRAM STATUS NUMBER CTF-Central-08-005
---	---	---

☐ NORMAL PROGRAM
 ☒ MODIFIED PROGRAM
 ☐ LOCKDOWN
 ☐ STATE OF EMERGENCY

☐ INITIAL
 ☒ UPDATE
 ☐ CLOSURE

RELATED INFORMATION (CHECK ALL THAT APPLY)

AREA AFFECTED	INMATES AFFECTED	REASON
<input type="checkbox"/> INSTITUTION: <input checked="" type="checkbox"/> FACILITY: <u>CTF CENT. MAIN LINE</u> <input type="checkbox"/> HOUSING UNIT: <input type="checkbox"/> VOCATION: <input type="checkbox"/> EDUCATION: <input type="checkbox"/> OTHER:	<input checked="" type="checkbox"/> ALL EXCEPT EAST DORM <input type="checkbox"/> BLACK <input type="checkbox"/> WHITE <input type="checkbox"/> HISPANIC <input type="checkbox"/> OTHER	<input type="checkbox"/> BATTERY <input type="checkbox"/> DEATH <input type="checkbox"/> RIOT / DISTURBANCE <input type="checkbox"/> GROUPING <input checked="" type="checkbox"/> OTHER <u>Escape</u>
MOVEMENT <input type="checkbox"/> NORMAL <input checked="" type="checkbox"/> ESCORT ALL MOVEMENT <input type="checkbox"/> UNCLOTHED BODY SEARCH PRIOR TO ESCORT <input type="checkbox"/> CONTROLLED MOVEMENT <input checked="" type="checkbox"/> OTHER: <u>VISUAL ESCORTS OF INMATES IN THE CORRIDORS</u>	WORKERS <input type="checkbox"/> NORMAL <input checked="" type="checkbox"/> CRITICAL WORKERS ONLY <input type="checkbox"/> CULINARY <input type="checkbox"/> CLERKS <input checked="" type="checkbox"/> CULINARY BOX LUNCH CREW, COOKS, KITCHEN WORKERS <input type="checkbox"/> CANTEEN <input type="checkbox"/> CLOTHING ROOM <input type="checkbox"/> RESTRICTED WORK PROGRAM <input type="checkbox"/> PORTERS <input checked="" type="checkbox"/> INMATES MAY ASSIST IN CELL FEEDING PROCESS, NO MORE THAN 12 INMATES	DAYROOM <input type="checkbox"/> NORMAL <input checked="" type="checkbox"/> NO DAYROOM ACTIVITIES <input type="checkbox"/> MODIFIED: RECREATION <input type="checkbox"/> NORMAL <input checked="" type="checkbox"/> NO RECREATIONAL ACTIVITIES <input type="checkbox"/> MODIFIED:
FEEDING <input type="checkbox"/> NORMAL <input checked="" type="checkbox"/> CELL FEEDING <input type="checkbox"/> CONTROLLED FEEDING IN DINING ROOM <input type="checkbox"/> HOUSING UNIT/DORM AT A TIME <input type="checkbox"/> DORM POD AT A TIME <input type="checkbox"/> TIER AT A TIME <input type="checkbox"/> HOUSING UNIT SECTION AT A TIME <input checked="" type="checkbox"/> SACK MEAL BREAKFAST <input type="checkbox"/> SACK MEAL LUNCH <input type="checkbox"/> SACK MEAL DINNER	SHOWERS <input type="checkbox"/> NORMAL <input type="checkbox"/> ESCORTED <input type="checkbox"/> ONE INMATE PER SHOWER – OWN TIER <input type="checkbox"/> CELL PARTNERS TOGETHER – OWN TIER <input type="checkbox"/> DORM SHOWERING BY GROUP <input type="checkbox"/> CRITICAL WORKERS ONLY <input checked="" type="checkbox"/> NO SHOWERS	CANTEEN <input type="checkbox"/> NORMAL <input checked="" type="checkbox"/> NO CANTEEN <input type="checkbox"/> MODIFIED: PACKAGES <input type="checkbox"/> NORMAL <input checked="" type="checkbox"/> NO PACKAGES <input type="checkbox"/> MODIFIED:
DUCATS <input type="checkbox"/> NORMAL <input checked="" type="checkbox"/> MEDICAL DUCATS ONLY <input type="checkbox"/> CLASSIFICATION DUCATS <input type="checkbox"/> PRIORITY DUCATS ONLY	MEDICAL <input type="checkbox"/> NORMAL MEDICAL PROGRAM <input type="checkbox"/> PRIORITY DUCATS ONLY <input checked="" type="checkbox"/> MED. PERS. CONDUCT ROUNDS IN UNITS <input type="checkbox"/> INMATES ESCORTED TO SICK CALL <input type="checkbox"/> EMERGENCY MEDICAL ONLY <input checked="" type="checkbox"/> OTHER: <u>MEDS DELIVERED TO UNITS</u>	PHONE CALLS <input type="checkbox"/> NORMAL <input checked="" type="checkbox"/> NO PHONE CALLS <input type="checkbox"/> MODIFIED: RELIGIOUS SERVICES <input type="checkbox"/> NORMAL <input type="checkbox"/> NO RELIGIOUS SERVICES <input checked="" type="checkbox"/> MODIFIED: <u>OFFERED @ CELL FRONT</u>
VISITING <input type="checkbox"/> NORMAL VISITING <input type="checkbox"/> NON-CONTACT ONLY <input type="checkbox"/> NO VISITING <input checked="" type="checkbox"/> OTHER: <u>Family Visiting Only</u>	LEGAL LIBRARY <input type="checkbox"/> NORMAL <input checked="" type="checkbox"/> APPROVED COURT DEADLINES	

REMARKS:

On June 18, 2008, an inmate at CTF-Central escaped from his assigned cell. As a result of this incident all inmates housed at CTF-Central Facility are on modified program (Note: East Dorm is excluded from this program modification). All Inmates will be cell fed. Inmates may assist in the cell feeding process of their assigned wings, no more than twelve inmates will be allowed out at a time. Paper trays are authorized. Inmates going to Medical Appointments, Dental Appointments and BPH will be given an unclothed body search prior to exiting their cell, and will be visually escorted to their destinations. There will be no deviation from this Program Status Report without authorization from the Correctional Captain. Questions or concerns regarding this program modification should be addressed to the Watch Commanders on 2nd or 3rd watch.

State of Emergency only: Postponement of nonessential administrative decisions, actions and the normal time requirements:

☐ Approved ☐ Disapproved

PREPARED BY: R.N. Spencer Lieutenant	DATE June 19, 2008	NAME / SIGNATURE (WARDEN) Ben Curry, Warden	DATE
---	-----------------------	--	------

**PROOF OF SERVICE BY MAIL
BY PERSON IN STATE CUSTODY**

(C.C.P. §§ 1013(A), 2015, 5)

I, Derrick Lee Sledge, declare:

I am over 18 years of age and I am party to this action. I am a resident of CORRECTIONAL TRAINING FACILITY prison, in the County of Monterrey, State of California. My prison address is:

Derrick Lee Sledge, CDCR #: P-43766
CORRECTIONAL TRAINING FACILITY
P.O. BOX 689, CELL #: CW-134L
SOLEDAD, CA 93960-0689.

On July 9, 2008, I served the attached:

Second Request with Motions for Appointment of Counsel

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope (verified by prison staff), with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named institution in which I am presently confined. The envelope was addressed as follows:

Office of the Clerk
U.S. District Court
Northern District of Calif.
450 Golden Gate Ave
SAN FRANCISCO CALIF. 94102
1x Original
1x copy

Dept. of Justice Office
of the Attorney General
455 Golden Gate Ave
Suite 11000
SAN FRANCISCO Ca 94102
Attn: Edmund G Brown Jr.
And /s/ Kyle A Lewis
for defendants

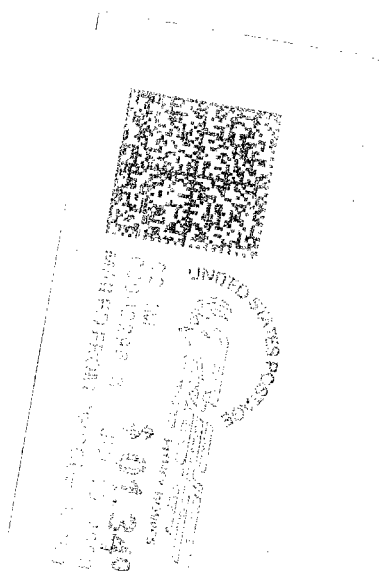
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 19, 2008.

Derrick L Sledge
DERRICK L Sledge
Declarant

Derrick Lee Sledge, P-43766
CTF / CW-1342
P.O. Box 689
Soledad Calif. 93960

Office of the
U.S. District
Northern District
450 Golden Gate
San Francisco





Go Swamy 7-9-08

LEGAL MAIL

LEGAL MAIL